

REMARKS

Claims 1 and 4 and 5 are in the application.

As a result of the foregoing Amendment, the subject matter of claim 3 has been included in claim 1. Claim 3 has been deleted.

Reconsideration and withdrawal of the rejection of the claims as being anticipated by Otani et al, are respectfully requested.

Applicant respectfully submits that claim 1 as amended is patentable over the art of record.

The reference to Otani relates to a printing device for continuously printing different data on paper at high speeds; the reference also relates to a control device for examining the printed data; the reference does not deal with a franking machine because a franking machine operates discontinuously, i.e. with interruptions for processing mail and shipment pieces. Letters, especially letters having different thicknesses, do not behave during operation in the same manner as paper sheets.

The Examiner's arguments in items 6 of the Office Action - referring back to item 3 - are not accurate; in column 6, lines 59 to 64, the use and the position of 4 printing heads and the

control of the printed lettering are mentioned in the reference; however, the reference does not mention a "franking machine with at least... such as letters or postcards, insertable into or passing through the machine".

In the abstract, lines 1 to 3 of the reference, reference is made only to a printing apparatus for successively entering data at high speeds, wherein an input unit for printed information to be printed on a printing medium are to be entered into the printing unit and a printing medium to be printed. This tells the expert that he is dealing with a keyboard of a computer; even the figures, especially Figs. 27a and 27b give this impression.

The reference to column 5, lines 49 to 50, and the corresponding Figs. 1a, 1b, 18a and 18b, give the impression that Otani deals with individual paper sheets to be printed, which must be guided on their path of processing in the printing machine, wherein, for this purpose, a paper conveying device 110 is provided opposite of the printing heads or underneath the printing sheets. These features are only vaguely and imprecisely mentioned in Otani and are not comparable to the features of the guide device and the specific arrangement of the drive and counterpressure rollers in relation to the printing heads in the franking machine according to the present invention.

This significant difference appears when comparing the cited reference to column 18, lines 46 to 48; however, the reference also does not anticipate the present invention as claimed. In addition, the specific configuration of the guide card and the manner of arranging the driverolls and counterrolls with respect to the printing head are of great significance in the application because this makes it possible to achieve the precise position and quality of the stamping.

"...and which is reversibly lifted", cited by the Examiner, deals in the present application with the raisible drive rollers and not, as indicated by the Examiner, and specifically refers to the forward and rearward movement of the paper sheets.

The reference to column 4, lines 48 to 52, makes it clear that Otani provides the paper sheet transport by means of rollers and a guidance for the paper sheets, and a sensor for determining the position of the paper sheet as well as a converter or comparator for determining the conveying speed and the roller speed. This is apparently a system which is monitoring the conveying speed on the basis of the roller speed. More precise statements which would be necessary for the comparison cannot be found in the passages referred to by the Examiner.

The following lines 52 to 58 in column 4 leave open the possibility of a change of the speed of the printed sheets in front of the printer. However, means for achieving this cannot be found in the reference to Otani.

Although there is a substantial difference between the previously submitted claim 1 of the present application and the reference to Otani the different configuration of the guide part and the arrangement of the drive and counterrollers in relation to a printing head are absolutely required for a good operation, and therefore the present invention is clearly distinguished over the reference, Applicant has further limited the claims of the present application.

Accordingly, as mentioned above, the subject matter of claim 3 has been included in claim 1.

In this regard, the Examiner has referred to the passage on page 4, paragraph 2 of Otani, according to which "said first printing means has a printing head in which a plurality of printing heads for printing dots at a predetermined pitch in predetermined printing regions are arranged so that the printing regions of the printing heads substantially continue with respect to a direction of a printing width which is perpendicular to a conveyance direction of the print medium,...".

However, these features of the reference do not in any way resemble the features of the independent claim of the present application which now includes the feature of original claim 3. A configuration according to claims 1 to 3 is clearly of a different type from the device according to the reference.

The reference to Gilham cited against claims 4 and 5 relates to a stamp dispensing device with a dispensing apparatus into which a franking tape 10 can be inserted. The franking tape has a physical property 11 which corresponds to a franking value. Moreover, the dispensing device includes conveying means 24, 25, 27 for transporting the franking tape or dispensing a portion of the franking tape which constitutes a stamp, as well as control means 12, 31 for the conveying means, so that the latter dispense a stamp of a certain value, wherein the physical property of the stamp constitutes the franking value of the stamp which has been dispensed as a portion.

The Examiner once again refers with respect to Gilham to a roller arrangement which is supposedly similar to the embodiments of Figs. 4 and 5 of the present application. However, a careful review of the reference does not reveal a configuration corresponding to claims 4 and 5, even in combination with a franking machine; the passage on column 3, lines 21 to 27, of the reference are also not applicable.

Therefore, it is submitted that the claims presently in the application are allowable over the prior art of record.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 24, 2008.

By: *Fr Kue* Date: September 24, 2008
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